

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv401**

EARL KELLEY LANE, Executor of the)
Estate of Lucile H. Lane,)
))
Plaintiff,)
))
Vs.)
))
ENDURANCE AMERICAN SPECIALTY)
INSURANCE COMPANY,)
))
Defendant.)
_____)

ORDER

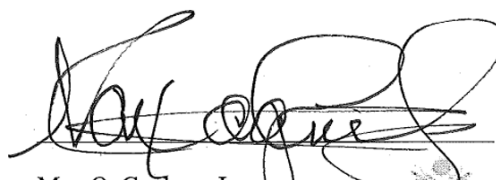
THIS MATTER is before the court on plaintiff's Motion for Summary Judgment (#9) filed in November 2010 and defendant's Motion to Continue Period to Oppose Plaintiff's Motion for Summary Judgment (#15) which was filed in December 2010. Since filing such motions, plaintiff has filed his Amended Complaint asserting additional causes of actions, additional discovery has been taken, the deadlines for completing discovery and for filing dispositive motions have been enlarged, the parties have participated in mediation, and some discovery disputes have been raised and resolved.

For the limited purpose of streamlining matters, both motions will be denied without prejudice, and plaintiff will be allowed to reassert the substance of its motion in a consolidated motion for summary judgment prior to the close of the time for filing dispositive motions. Unless the parties are able to resolve this action amicably, the court anticipates setting any dispositive motions on for hearing and resolution during a regular civil motions day.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion for Summary Judgment (#9) and defendant's Motion to Continue Period to Oppose Plaintiff's Motion for Summary Judgment (#15) are **DENIED** without prejudice.

Signed: May 24, 2011



Max O. Cogburn Jr.
United States District Judge